

Serial No.: 10/509,312
Examiner: Steven Lim

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed December 9, 2008. At the time of this Final Office Action, claims 1-21 were pending in this Application, and all were rejected. The Applicant respectfully requests reconsideration and favorable action in this case.

The December 9, 2008 Office Action ("Office Action") raised the following issues:

(I) claims 1-3, 5, 9, 11-13, 15 and 19 were rejected under 35 U.S.C. § 102(b) and (II) claims 4, 6-8, 10, 14, 16-18, and 20-21 were rejected under 35 U. S. C. § 103(a).

I. Claims 1-3, 5, 9, 11-13, 15 and 19 Rejection Under 35 U.S.C. § 102(b)

The Office has rejected claims 1-3, 5, 9, 11-13, 15 and 19 under 35 U.S.C. § 102(b) as being anticipated by Josse et al., U.S. Patent No. 6,104,929 ("Josse"). Claims 1-3, 5, 9, 11-13, 15 and 19 are patentable under 35 U.S.C. 102(b) over Josse because they recite methodology not present in the cited reference, and therefore distinguish over Josse. Accordingly, Applicant respectfully requests the Examiner withdraw the rejection and allow pending claims 1-3, 5, 9, 11-13, 15 and 19.

Claim 1 and claim 11 distinguish over Josse because they claim exchanging messages between the RAN and the CN through a Hybrid Atrium-a feature that is not disclosed in Josse. This involves the RAN and the CN being of different technologies:

Serial No.: 10/509,312
Examiner: Steven Lim

Applicant states:

The RAN 120 in turn communicates with a Serving General Packet Radio Service (GPRS) Serving Node (SGSN) 126. The SGSN 126 is a Hybrid SGSN that links the CDMA RAN to the GPRS Core Network. The SGSN 126 also includes a PL layer 122 and a R-P layer 124 as well as a L1 layer 127, a UDP/IP/L2 layer 130 and a GTP-U layer 132.

See patent application, p. 5. Applicant further states:

A typical wireless network is composed of two sub-networks: a Radio Access Network (RAN) which handles radio related issues such as assigning radio resources to a mobile terminal (or "mobile" in short) upon request for services, and a Core Network (CN) which links the mobile user to wireline networks. Current specification of wireless networks require that the RAN and CN have the same wireless technology in order to provide wireless services. These networks may be referred to as "homogeneous networks." For instance, a GSM mobile will only operate in a wireless network which its RAN and CN are both GSM wireless technology based. A hybrid network refers to a wireless network with its CN and RAN using different technologies. **For example, the RAN may be based on CDMA2000 standard, while the CN may be based on GSM technology.** Detailed description of a Hybrid Network can be found in co-pending PCT patent application serial no. PCT/US02/35500 which was filed on November 5, 2002 and entitled "Method and System for Providing Wireless Services in a Composite Wireless Network Comprising at Least One Access Network and One Core Network of Different Technologies.", assigned to the same assignee and is hereby incorporated by reference.

[emphasis added]. See patent application, p.4. However, Josse describes communication on the very type of homogeneous network that applicant acknowledges is well-known in the art. Josse requires the same technology in the core network and radio access network and provides no disclosure showing how communication could occur in a

Serial No.: 10/509,312
Examiner: Steven Lim

wireless network utilizing a core network and a radio access network utilizing different technologies.

Josse states:

FIG. 1 shows an example cellular telecommunications network having GPRS capability for which the invention is useful. The network of FIG. 1 is shown using **GSM-type terminology**. While a preferred implementation is described in a GSM context/application, the present invention may be employed in other radio communications networks.

See Josse, column 4, lines 33-38. As can be seen in the bolded text of the present application and Josse recited *supra*, the disclosure of Josse shown in Fig. 1, including the various interfaces cited by Examiner in the Office Action and described in the Josse specification, involve **GSM-type terminology and technology**. The U_m interface, Gn interface and Gb interface cited by Examiner all are interface names for **GSM-type technology**. No matter what the radio communication network, the disclosure of Josse only involves a single homogeneous network and is inapplicable to a hybrid network using a core network and radio access network of different technologies.

Applicant has further amended independent claims 1 and 11 to include language related to the different technologies of the RAN and CN in the body of the claims as opposed to merely in the preamble.

These same claims were previously amended to require a direct connection between the MS and the Hybrid atrium for exchange of short messages to further distinguish from the disclosure of Josse and provide an independent basis for allowance of

Serial No.: 10/509,312
Examiner: Steven Lim

these claims as will be discussed in further detail in conjunction with the 35 U.S.C. § 103(a) rejection.

Claims 2-3, 5 and 9 depend either directly or indirectly from claim 1 and claims 12-13, 15 and 19 depend either directly or indirectly from claim 11. Therefore, these dependent claims are also not anticipated and are allowable for the same reasons amended claim 1 and claim 11 are allowable.

Because the method disclosed in the Josse reference is not intended to or capable of providing the functionality provided by the claimed invention of the present application, Applicant respectfully requests that the Examiner withdraw this rejection.

II. Claims 4, 6-8, 10, 14, 16-18, and 20-21 Rejected Under 35 U. S. C. § 103(a)

The Office has rejected claims 4, 6-7, 14, and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over Josse in view of 3GPP (ETSI TS 123 060 V3.3.0 (2000-04)), ("3GPP") and further in view of IETF (The Point-to-Point Protocol (PPP), RFC 1661, July 1994). The Office has rejected claims 8, 18 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Josse in view of Weissman, U.S. Patent Application No. 20030188319, ("Weissman"). The Office has rejected claims 10 and 20 as being unpatentable over Josse in view of Weissman and further in view of Grilli et al., U.S. Patent Application No. 20030002525, ("Grilli"). However, all of these claims include methodology with new and advantageous steps and results, making such claims non-obvious over the cited references and thus patentable over Josse, 3GPP, Weissman and Grilli under 35 U.S.C. 103(a).

Serial No.: 10/509,312
Examiner: Steven Lim

Accordingly, Applicant respectfully requests the Examiner withdraw the rejection and allow pending claims 4, 6-8, 10, 14, 16-18, and 20-21

Claims 4, 6-8 and 10 depend either directly or indirectly from claim 1. Claims 14, 16-18 and 20 depend either directly or indirectly from claim 11. As previously discussed, claims 1 and 11, as amended, are allowable because they recite methodology not disclosed in Josse, meaning claims depending from claim 1 and claim 11 are also allowable.

Claim 21, as currently amended, now contains the same limitation in the body of the claim with regard to exchanging messages between a RAN of a first technology and a CN of a second technology through a Hybrid Atrium as claim 1 and claim 11 and is allowable for the same reasons discussed in conjunction with those claims.

The rejection of independent claim 21 (along with independent claims 1 and 11 and the claims depending therefrom) should also be withdrawn because they recite methodology not present in the cited reference Josse. In rejecting these claims, Examiner asserts that Josse discloses establishing a direct connection between the Hybrid Atrium and the MS and cites column 4, lines 45-51 of Josse for support. However, column 4, lines 50-52 of Josse make it clear that [t]he base station system (BSS) 30 communicates with various mobile radio stations, such as mobile station (MS) 40 shown in FIG. 1. Hence, it is the BSS that establishes a connection with the MS, not the Hybrid Atrium which Examiner asserts is Item 24 in FIG. 1 of Josse. Referencing FIG. 1 of Josse, it is apparent that this is in fact the case as no direct connection exists between the alleged Hybrid Atrium 24 and the alleged MS 40. Instead the MS 40 connects with the BSS 30 which connects with the Hybrid Atrium 24.

Serial No.: 10/509,312

Examiner: Steven Lim

Moreover, Applicant has previously amended independent claim 21 (and independent claims 1 and 11) to additionally require a direct connection between the MS and the Hybrid Atrium for exchange of short messages to further distinguish from the disclosure of Josse and provide an independent basis for allowance of these claims.

Examiner asserts that FIG. 3, Items 3-1 and 3-3 show the direct connection between the MS and the SGSN (alleged Hybrid Atrium of Josse), however, the accompanying description of the figures (FIG. 1 and FIG. 3) makes it clear that it is an indirect connection that travels through the BSS and that the MS must communicate with the BSS which in turn communicates with the SGSN.

In contrast, Applicant requires the MS to be capable of direct connection with the Hybrid Atrium. The application in pertinent part states:

The Hybrid Atrium 804 then sends a Create PDP Context Request message 832 with QoS, APN and PCO information to the GGSN 806. The GGSN 806 then sends a Create PDP Context Response 834 with Cause = "Request Accepted" to the Hybrid Atrium 804. The Hybrid Atrium 804 then sends an A11-Registration Reply (Lifetime, Accept) message 836 to the BSC/PCF 802. The BSC/PCF 802 then sends an Assignment Complete message 838 to the Hybrid Atrium 804. A PPP connection 840 is then established between the Hybrid Atrium 804 and the MS 800 that allows User Data Transmission 842 between the two nodes 800 and 804.

[emphasis added]. See patent application, p. 7. The connection 840 as described herein is clearly between the hybrid atrium and the MS directly and not through some other component or system. FIG. 8, in conjunction with the accompanying description of this

Serial No.: 10/509,312
Examiner: Steven Lim

figure, of the application also clearly shows the direct connection described in this portion of the specification.

In the present Office Action, Examiner maintains that Josse discloses establishing a connection and data transfer between the Hybrid Atrium and the MS but does not disclose the connection being a direct PPP. *See* Office Action, p. 5. Examiner further asserts that 3GPP discloses PDPs can be of the type PPP and the IETF defines a PPP as direct between two peers. *See id.* However, Examiner does not cite any prior art showing the limitation of a direct connection (PPP or otherwise) between the MS and Hybrid Atrium. The fact that an indirect connection between an MS and Hybrid Atrium is shown in Josse and that other prior art shows that a PPP connection can be established directly between two components in certain situations (though a MS and Hybrid Atrium are never considered or mentioned in this other prior art) is irrelevant. Obviously, direct connections between components are possible in many situations, but none of the prior art shows the direct connection between the particular components, MS and Hybrid Atrium, claimed in the present application. None of the prior art individually or in combination shows a direct PPP connection between the MS and Hybrid Atrium as required in these claims.

Serial No.: 10/509,312
Examiner: Steven Lim

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims. If there are any matters that can be discussed by telephone to further the prosecution of this Application, Applicant invites the Examiner to contact the undersigned attorney at 512-306-8533 at the Examiner's convenience.

Respectfully submitted,

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